



## Article 4. Permit Changes and Denials

### §66270.40. Transfer of Permits.

(a) A permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under section 66270.40(b) or 66270.41(b)(2)) to identify the new permittee and incorporate such other requirements as may be necessary under the appropriate statute or regulation.

(b) Changes in the ownership or operational control of a facility may be made as a Class I modification with prior written approval of the Department in accordance with section 66270.42. The new owner or operator shall submit a revised permit application no later than 90 days prior to the scheduled change. A written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees shall also be submitted to the Department. When a transfer of ownership or operational control occurs, the old owner or operator shall comply with the requirements of article 8 of chapter 14 of this division (Financial Requirements) until the new owner or operator has demonstrated to the Department that he or she is complying with the requirements of that article. The new owner or operator shall demonstrate compliance with article 8 requirements within six months of the date of the change of ownership or operational control of the facility. Upon demonstration to the Department by the new owner or operator of compliance with article 8, the Department shall notify the old owner or operator in writing that he or she no longer needs to comply with article 8 as of the date of demonstration.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 270.40.

#### HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

### §66270.41. Modification or Revocation and Reissuance of Permits.

When the Department receives any information (for example, inspects the facility, receives information submitted by the permittee as required in the permit (see section 66270.30), receives a request for revocation and reissuance under section 66271.4, or conducts a review of the permit file) the Department may determine whether or not one or more of the causes listed in subsections (a) and (b) of this section for modification, or revocation and reissuance or both exist. If cause exists, the Department may modify or revoke and reissue the permit accordingly, subject to the limitations of subsection (c) of this section, and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term. (See section 66271.4(c)(2).) If cause does not exist under this section, the Department shall not modify or revoke and reissue the permit, except on request of the permittee or as provided in subsection (a)(5) of this section. If a permit modification is requested by the permittee, the Department shall approve or deny the request according to the procedures of section 66270.42. Otherwise, a draft permit shall be prepared and other procedures in chapter 21 shall be followed.

(a) Causes for modification. The following are causes for modification, but not revocation and reissuance, of permits; the following may be causes for revocation and reissuance, as well as modification, when the permittee requests or agrees.

(1) Alterations. There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.

(2) Information. The Department has received information. Permits may be modified during their terms for this cause only if the information was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and would have justified the application of different permit conditions at the time of issuance.

(3) New statutory requirements or regulations. The standards or regulations on which the permit was based have been changed by statute, through promulgation of new or amended standards or regulations, or by judicial decision after the permit was issued.

(4) Compliance schedules. The Department determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, or materials shortage or other events over which the permittee has little or no control and for which there is no reasonably available remedy.

(5) Notwithstanding any other provision in this section, when a permit is reviewed by the Department, the Department shall modify the permit as necessary to assure that the facility is in compliance with the currently applicable requirements in chapters 10 through 16, 20 and 21 of this division and as necessary to protect human health and the environment.

(b) Causes for modification or revocation and reissuance. The following are causes to modify or, alternatively, revoke and reissue a permit.

(1) Cause exists for termination under section 66270.43, and the Department determines that modification or revocation and reissuance is appropriate.

(2) The Department has received notification (as required in the permit, see section 66270.30(l)(3)) of a proposed transfer of the permit.

(c) Facility siting. Suitability of the facility location will not be considered at the time of permit modification or revocation and reissuance unless new information or standards indicate that a threat to human health or the environment exists which was unknown at the time of permit issuance.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 270.41.

#### HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

### **§66270.42. Permit Modification at the Request of the Permittee.**

(a) Class 1 modifications.

(1) Except as provided in subsection (a)(2) of this section, the permittee may put into effect Class 1 modifications listed in Appendix I of this chapter under the following conditions.

(A) The permittee shall notify the Department concerning the modification by certified mail or other means that establish proof of delivery at least 30 calendar days before the change is put into effect. This notice shall specify the changes being made to permit conditions or supporting documents referenced by the permit and shall explain why they are necessary. Along with the notice, the permittee shall provide the applicable information required by sections 66270.10, 66270.13 through 66270.23, 66270.62, and 66270.63. With written authorization from the Department, the change may be put into effect earlier than 30 calendar days after the Department is notified concerning the modification.

(B) The permittee shall send a notice of the modification to all persons on the facility mailing list, maintained by the Department in accordance with section 66271.9(c)(1)(D), and the appropriate units of State and local government, as specified in section 66271.9(c)(1)(E). The notification shall include the information specified in subsections 66271.9(d)(1)(A) through 66271.9(d)(1)(D). The information shall also include a description of the proposed changes at the facility, and the name and telephone number of a Department contact person. This notification shall be made within 90 calendar days after the change is put into effect. For the Class 1 modifications that require prior Department approval, the notification shall be made within 7 days after the permittee notifies the Department and shall also be published in a major local newspaper of general circulation.

(C) Any person may request the Department to review, and the Department may for cause reject, any Class 1 modification. The Department shall inform the permittee by certified mail that a Class 1 modification has been rejected, explaining the reasons for the rejection. If a Class 1 modification has been rejected, the permittee shall comply with the original permit conditions.

(D) Causes for rejection of a Class 1 permit modification by the Department include:

1. the requested modification does not qualify as a Class 1 permit modification;

2. the modification request does not contain sufficient information for the Department to determine the appropriate permit modification classification or to determine the actions necessary to comply with the California Environmental Quality Act (CEQA) with respect to the requested modification, or the modification is otherwise incomplete;

3. the requested modification does not comply with the appropriate requirements of chapter 14 of this division or other applicable requirements; or

4. the conditions of the modification fail to protect human health and the environment.

(2) Class 1 permit modifications identified in Appendix I of this chapter by an asterisk and Class 1 modifications not exempt from the requirements of CEQA under Title 14, CCR section 15061 may be made only with the prior written approval of the Department.

(3) For a Class 1 permit modification, the permittee may elect to follow the procedures in section 66270.42(b) for Class 2 modifications instead of the Class 1 procedures. The permittee shall inform the Department of this decision in the decision required in section 66270.42(b)(1).

(b) Class 2 modifications.

(1) For Class 2 modifications, listed in Appendix I of this chapter, the permittee shall submit a modification request to the Department that:

(A) describes the exact change to be made to the permit conditions and supporting documents referenced by the permit;

(B) identifies that the modification is a Class 2 modification;

(C) explains why the modification is needed; and

(D) provides the applicable information required by sections 66270.10, 66270.13 through 66270.23, 66270.62, and 66270.63.

(2) The permittee shall send a notice of the modification request to all persons on the facility mailing list maintained by the Department and to the appropriate units of State and local government as specified in section 66271.9(c)(1)(E) and shall publish this notice in a major local newspaper of general circulation. This notice shall be mailed and published within 7 days before or after the date of submission of the modification request, and the permittee shall provide to the Department evidence of the mailing and publication. The notice shall include:

(A) announcement of a 60-day comment period, in accordance with section 66270.42(b)(5), and the name and address of a Department contact to whom comments shall be sent;

(B) announcement of the date, time and place for a public meeting held in accordance with section 66270.42(b)(4);

(C) name and telephone number of the permittee's contact person;

(D) name and telephone number of a Department contact person;

(E) location where copies of the modification request and any supporting documents can be viewed and copied; and

(F) the following statement: "The permittee's compliance history during the life of the permit being modified

is available from the Department contact person."

(G) a description of the proposed changes at the facility.

(3) The permittee shall place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.

(4) The permittee shall hold a public meeting no earlier than 15 days after the publication of the notice required in subsection (b)(2) of this section and no later than 15 days before the close of the 60-day comment period. The meeting shall be held to the extent practicable in the vicinity of the permitted facility.

(5) The public shall be provided 60 days to comment on the modification request. The comment period shall begin on the date the permittee publishes the notice in the local newspaper. Comments shall be submitted to the Department contact identified in the public notice.

(6)(A) After the conclusion of the 60-day comment period, the Department shall take one of the following actions:

1. approve the modification request, with or without changes, and modify the permit accordingly, after the applicable requirements of CEQA have been satisfied;

2. deny the request;

3. determine that the modification request shall follow the procedures in section 66270.42(c) for Class 3 modifications for one of the following reasons:

a. there is significant public concern about the proposed modification; or

b. the complex nature of the change requires the more extensive procedures of Class 3; or

4. approve the request, with or without changes, as a temporary authorization having a term of up to 180 days, after the applicable requirements of CEQA have been satisfied.

(B) For the purposes of complying with the requirements of CEQA, the Class 2 permit modification shall not be considered complete until the close of the 60-day comment period and receipt by the Department from the permittee of the information necessary to address the public comments submitted during the 60-day comment period and other information required by this section.

(C) In case of a temporary authorization under subsection (b)(6)(A) 4. of this section, if the Department has not made a final approval or denial of the modification request by the end of the temporary authorization, the permittee shall comply with the original permit conditions.

(D) In making a decision to approve or deny a modification request, including a decision to issue a temporary authorization or to reclassify a modification as a Class 3, the Department shall consider all written comments submitted to the Department during the public comment period and shall respond in writing to all significant comments in its decision.

(7) The Department may deny or change the terms of a Class 2 permit modification request under subsection (b)(6)(A) of this section for the following reasons:

(A) the modification request is incomplete;

(B) the requested modification does not comply with the appropriate requirements of chapter 14 of this division or other applicable requirements; or

(C) the conditions of the modification fail to protect human health and the environment.

(8) Except for construction of new hazardous waste management units, the permittee may perform any construction associated with a Class 2 permit modification request beginning 60 days after the submission of the request unless the Department establishes a later date for commencing construction and informs the permittee in writing before day 60. Construction performed pursuant to this subsection shall not affect the Department's authority to approve or disapprove a permit modification request for the subject hazardous waste management activity.

(c) Class 3 modifications.

(1) For Class 3 modifications listed in Appendix I of this chapter, the permittee shall submit a modification request to the Department that:

(A) describes the exact change to be made to the permit conditions and supporting documents referenced by the permit;

(B) identifies that the modification is a Class 3 modification;

(C) explains why the modification is needed; and

(D) provides the applicable information required by sections 66270.10, 66270.13 through 66270.23, 66270.62, 66270.63 and 66270.66.

(2) The permittee shall send a notice of the modification request to all persons on the facility mailing list maintained by the Department and to the appropriate units of State and local government as specified in section 66271.9(c)(1)(E) and shall publish this notice in a major local newspaper of general circulation. This notice shall be mailed and published within seven days before or after the date of submission of the modification request, and the permittee shall provide to the Department evidence of the mailing and publication. The notice shall include:

(A) announcement of a 60-day comment period, and a name and address of a Department contact to whom comments shall be sent;

(B) announcement of the date, time, and place for a public meeting on the modification request, in accordance with section 66270.42(c)(4);

(C) name and telephone number of the permittee's contact person;

(D) name and telephone number of a Department contact person;

(E) location where copies of the modification request and any supporting documents can be viewed and copied; and

(F) the following statement: "The permittee's compliance history during the life of the permit being modified

is available from the Department contact person."

(3) The permittee shall place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.

(4) The permittee shall hold a public meeting no earlier than 15 days after the publication of the notice required in subsection (c)(2) of this section and no later than 15 days before the close of the 60-day comment period. The meeting shall be held to the extent practicable in the vicinity of the permitted facility.

(5) The public shall be provided at least 60 days to comment on the modification request. The comment period shall begin on the date the permittee publishes the notice in the local newspaper. Comments shall be submitted to the Department contact identified in the notice.

(6) After the conclusion of the 60-day comment period, the Department shall grant or deny the permit modification request according to the permit modification procedures of chapter 21 of this division. In addition, the Director shall consider and respond to all significant written comments received during the 60-day comment period. For the purposes of complying with the requirements of CEQA, the Class 3 permit modification shall not be considered complete until the close of the 60-day comment period and receipt by the Department from the permittee of the information necessary to address the public comments submitted during the 60-day comment period and other information required by this section.

(d) Other modifications.

(1) In the case of modifications not explicitly listed in Appendix I of this chapter, the permittee may submit a Class 3 modification request to the Department, or the permittee may request a determination by the Department that the modification should be reviewed and approved as a Class 1 or Class 2 modification. If the permittee requests that the modification be classified as a Class 1 or 2 modification, the permittee shall provide the Department with the necessary information to support the requested classification.

(2) The Department shall make the determination described in subsection (d)(1) of this section as promptly as practicable. In determining the appropriate class for a specific modification, the Department shall consider the similarity of the modification to other modifications codified in Appendix I of this chapter and the following criteria:

(A) Class 1 modifications apply to minor changes that keep the permit current with routine changes to the facility or its operation. These changes do not substantially alter the permit conditions or reduce the capacity of the facility to protect human health or the environment. In the case of Class 1 modifications, the Department may require prior approval.

(B) Class 2 modifications apply to changes that are necessary to enable a permittee to respond, in a timely manner, to:

1. common variations in the types and quantities of the wastes managed under the facility permit,
2. technological advancements, and
3. changes necessary to comply with new regulations, where these changes can be implemented without substantially changing design specifications or management practices in the permit.

(C) Class 3 modifications substantially alter the facility or its operation.

(e) Temporary authorizations.

(1) Upon request of the permittee, the Department may, without prior public notice and comment, grant the permittee a temporary authorization in accordance with this subsection. Temporary authorizations shall have a term of not more than 180 days.

(2)(A) The permittee may request a temporary authorization for:

1. any Class 2 modification meeting the criteria in subsection (e)(3)(C) of this section, and
2. any Class 3 modification that meets the criteria in subsection (3)(C) 1. or 2. of this section; or that meets the criteria in subsections (3)(C) 3. through 5. of this section and provides improved management or treatment of a hazardous waste already listed in the facility permit.

(B) The temporary authorization request shall include:

1. a description of the activities to be conducted under the temporary authorization;
2. an explanation of why the temporary authorization is necessary; and
3. sufficient information to ensure compliance with the standards of chapter 14 of this division.

(C) The permittee shall send a notice about the temporary authorization request to all persons on the facility mailing list maintained by the Department and to appropriate units of State and local governments as specified in section 66271.9(c)(1)(E). The permittee shall also publish this notice in a major local newspaper of general circulation. This notification shall be made within seven days of submission of the authorization request.

(3) The Department shall approve or deny the temporary authorization as quickly as practical. To issue a temporary authorization, the Department shall find:

- (A) the authorized activities are in compliance with the standards of chapter 14 of this division;
- (B) the temporary authorization is exempt from the requirements of CEQA under Title 14, CCR section 15061, or the applicable requirements of CEQA have been met with respect to the temporary authorization;
- (C) the temporary authorization is necessary to achieve one of the following objectives before action is likely to be taken on a modification request:
  1. to facilitate timely implementation of closure or corrective action activities;
  2. to allow treatment or storage in tanks, containers, or in containment buildings in accordance with chapter 18 of this division;
  3. to prevent disruption of ongoing waste management activities;
  4. to enable the permittee to respond to sudden changes in the types or quantities of the wastes managed under the facility permit; or

5. to facilitate other changes to protect human health and the environment.

(4) A temporary authorization may be reissued for one additional term of up to 180 days provided that:

(A) the permittee has requested a Class 2 or 3 permit modification for the activity covered in the temporary authorization;

(B) the requirements of CEQA have been met with respect to the reissued temporary authorization; and

(C) 1. the reissued temporary authorization constitutes the Department's decision on a Class 2 permit modification in accordance with subsection (b)(6)(A) or (B) 4. of this section, or

2. the Department determines that the reissued temporary authorization involving a Class 3 permit modification request is warranted to allow the authorized activities to continue while the modification procedures of subsection (c) of this section are conducted.

(f) Public notice and appeals of permit modification and temporary authorization decisions.

(1) The Department shall notify persons on the facility mailing list and appropriate units of State and local government within 10 days of any decision under this section to grant or deny a Class 2 or 3 permit modification request or temporary authorization. This notice shall include reference to the procedures for appealing a decision on a permit modification or temporary authorization.

(2) The Department's decision to grant or deny a Class 2 or 3 permit modification or temporary authorization request under this section may be appealed under the permit appeal procedures of section 66271.18.

(g) Newly regulated wastes and units.

(1) The permittee is authorized to continue to manage wastes listed or identified as hazardous under chapter 11 of this division, or to continue to manage hazardous waste in units newly regulated as hazardous waste management units, if:

(A) The unit was in existence as a hazardous waste facility with respect to the newly listed or characterized waste or newly regulated waste management unit on the effective date of the final rule listing or identifying the waste, or regulating the unit;

(B) The permittee submits a Class 1 modification request on or before the date on which the waste or unit becomes subject to the new requirements and receives Department approval of the Class 1 permit modification request. If the Department does not approve the Class 1 modification request by the date on which the waste or unit becomes subject to the new requirements, the permittee shall discontinue managing the waste or unit until Department approval of the Class 1 modification request is received;

(C) The permittee is in compliance with the applicable standards of chapters 15 and 16 of this division;

(D) The permittee, in the case of Classes 2 and 3 modifications, also submits a complete permit modification request within 180 days after the effective date of the rule listing or identifying the waste, or subjecting the unit to management standards found in the Health and Safety Code, division 20, chapter 6.5, article 9, section 25100 et seq.; and

(E) In the case of land disposal units, the permittee certifies that each such unit is in compliance with all applicable ground-water monitoring and financial responsibility requirements contained in chapter 15 of this division on the date 12 months after the effective date of the rule identifying or listing the waste as hazardous, or regulating the unit as a hazardous waste management unit. If the owner or operator fails to certify compliance with these requirements, the facility shall lose authority to operate under this section.

(2) New wastes or units added to a facility's permit under this subsection do not constitute expansions for the purpose of the 25 percent capacity expansion limit for Class 2 modifications.

(h) Permit modification list.

The Department shall maintain a list of all approved permit modifications and shall publish a newspaper notice statewide once a year that an updated list is available for review.

NOTE: Authority cited: Sections 25150, 25159, 25159.5, 25179.6, 58004 and 58012, Health and Safety Code.

Reference: Sections 25159, 25159.5, 25186 and 58012, Health and Safety Code; 40 CFR Section 270.42.

#### HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

2. Amendment of subsection (e)(3)(C)2 and Note filed 10-24-94 as an emergency; operative 10-24-94 (Register 94, No. 43). A Certificate of Compliance must be transmitted to OAL by 2-20-95 or emergency language will be repealed by operation of law on the following day.

3. Amendment of subsection (e)(3)(C)2. and Note refiled 2-21-95 as an emergency; operative 2-21-95 (Register 95, No. 8). A Certificate of Compliance must be transmitted to OAL by 6-21-95 or emergency language will be repealed by operation of law on the following day.

4. Amendment of subsection (e)(3)(C)2. and Note refiled 6-19-95 as an emergency; operative 6-19-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-17-95 or emergency language will be repealed by operation of law on the following day.

5. Amendment of subsection (e)(3)(C)2. and NOTE refiled 10-16-95 as an emergency; operative 10-16-95 (Register 95, No. 42). A Certificate of Compliance must be transmitted to OAL by 2-13-96 or emergency language will be repealed by operation of law on the following day.

6. Certificate of Compliance as to 10-24-94 order transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).

7. Amendment of subsections (c)(1)(D) and (g)-(g)(1)(E) and NOTE filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

8. Change without regulatory effect amending subsection (e)(3)(C) 2. filed 8-15-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 33).

9. Amendment of subsection (a)(1)(B) and new subsection (b)(2)(G) filed 4—4—2002; operative 5—4—2002 (Register 2002, No. 14).

**§66270.42.5. Permit Modifications for Non-RCRA Activities.**

(a) This section applies only to permit modifications involving activities that are not subject to permitting requirements under the federal act.

(b) The following types of changes to a facility's authorization are not subject to the permit modification approval or procedural requirements of sections 66270.41 or 66270.42. Except as otherwise specified below, the owner or operator of the facility shall notify the Department in writing of any change within ten (10) calendar days after the change is put into effect:

(1) changes in the expiration date of the permit to allow earlier permit termination, with prior written approval of the Department;

(2) changes to the closure plan to reflect a decrease in the estimated maximum extent of operations or maximum inventory of waste on site at any time during the active life of the facility, with prior written approval from the Department;

(3) correction of non-substantive typographical errors;

(4) a change in the legal name of the facility that does not include changes in ownership or operational control of the facility;

(5) informational changes that do not impact the operation of the facility;

(6) changes in frequency of or procedures for monitoring, reporting, sampling or maintenance activities that provide for more frequent monitoring, reporting, sampling or maintenance;

(7) equipment replacement or upgrading with functionally equivalent components (other than the structural unit itself), as long as the functional capacity of the unit is not increased or the unit is not being moved to another location, with a written notice to the Department at least 30 days prior to the intended change, or such shorter time frame as may be approved by the Department;

(8) changes to waste sampling or analysis methods to conform with the Department's guidance or regulations;

(9) changes to analytical quality assurance/control plan to conform to the Department's guidance or regulations;

(10) changes in procedures for maintaining the operating record;

(11) changes in frequency or content of inspection schedules that provide for more frequent or more thorough inspections;

(12) changes in the training plan that increase the amount or type of training given to employees;

(13) changes in emergency procedures that maintain or improve the effectiveness of the response;

(14) relocation of emergency equipment;

(15) changes to structures or equipment within the boundary of a permitted unit, but which the owner or operator certifies as not actively related to the storage, treatment, disposal or secondary containment of hazardous waste, with a written notice to the Department at least 30 days prior to the intended change, or such shorter time frame as may be approved by the Department;

(16) changes to a permit required by another regulatory agency, if the activities affected by the permit are not directly related to hazardous waste management, and do not have an impact on the permitted hazardous waste management activity, may be made without notifying the Department;

(17) For changes to a permit required by another regulatory agency, if the activities affected by the permit are related directly to hazardous waste management, but are not subject to the Department's permitting authority, they may be made with a written notice to DTSC at least 30 days prior to the intended change.

(c) The following changes to a facility's authorization require compliance with the Class 1\* permit modification procedures (Class 1 modification procedures and prior written Departmental approval) specified in subsection (a) of section 66270.42:

(1) changes in ownership or operational control of a facility, provided the procedures of section 66270.40(b) are followed;

(2) changes to waste sampling or analysis methods that are other than those set forth in the Department's guidance or regulations;

(3) changes in interim compliance dates, with prior written approval of the Department;

(4) changes in procedures for decontamination of equipment or structures, with prior written approval of the Department;

(5) changes in the closure schedule for any unit, changes in the final closure schedule for the facility, or extension of the closure period, with prior written approval of the Department;

(6) changes to analytical quality assurance/control plan other than to conform to the Department's guidance or regulations;

(7) removal of equipment from the emergency equipment list;

(8) changes to the closure plan to reflect an increase in the estimated maximum extent of operations or maximum inventory of waste on site at any time during the active life of the facility;

(d) The following changes to a facility's authorization require compliance with the Class 2 permit modification procedures specified in subsection (b) of section 66270.42:

(1) physical and operational changes to a facility except as specified in subsections (b) or (c) of this section;

(2) changes in the approved closure plan resulting from unexpected events occurring during closure, unless

otherwise addressed in this section;

(3) changes in frequency of, or procedures for, monitoring, reporting, sampling or maintenance activities that provide for less frequent monitoring, reporting, sampling or maintenance;

(4) changes in frequency or content of inspection schedules that provide for less frequent or less thorough inspections;

(5) changes in the training plan that decrease the type or amount of training given to employees;

(6) changes in emergency procedures that reduce the effectiveness of the response;

(7) changes in the expiration date of the permit to allow later permit termination.

(8) permit modifications that are designated in section 66270.42(d)(2)(C) or Appendix I of this Article as Class 3 modifications, but are determined by the Department, on a case-by-case basis, to have no significant potential for environmental concerns or significant public interest. If the Department determines, based on the nature of the proposed modification, the level of public interest, or other factors, that the modification shall be subject to the Class 3 permit modification procedures specified in section 66270.42(c), the modification shall be subject to the Class 3 permit modification procedures specified in section 66270.42(c).

(e) Notwithstanding subsections (b), (c) and (d) of this section, if the Department determines, on a case-by-case basis, that a proposed modification meets the criteria specified in section 66270.42(b)(6)(A)3, the modification shall be subject to the Class 3 permit modification procedures specified in section 66270.42(c).

(f) For changes not specifically addressed in this section, a facility owner/operator may propose a classification for the desired modification(s). A written proposal shall be made to the Department, and shall include the rationale behind the proposed classification.

(g) The Department may grant a temporary authorization pursuant to the procedures set forth in section 66270.42(e) for a Class 2 or Class 3 modification that is proposed for the purpose of effecting environmentally-beneficial changes to a facility.

(h) Notwithstanding section 66270.72, the owner or operator of an interim status facility may, for activities that are not subject to permitting or interim status requirements under the federal act, notify or request any modification to the facility pursuant to this Article.

NOTE: Authority cited: Sections 25150 and 58012, Health and Safety Code. Reference: Sections 25150 and 25200.15.

#### HISTORY

1. New section filed 4—4—2002; operative 5—4—2002 (Register 2002, No. 14).

2. Change without regulatory effect amending subsection (d)(4) filed 7—1—2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 27).

#### **§66270.43. Revocation and Denial of Permits.**

(a) The Department may deny or revoke a permit for any cause specified in Health and Safety Code section 25186.

(b) The following are additional causes for revoking a permit during its term, or for denying a permit renewal application:

(1) noncompliance by the permittee with any condition of the permit;

(2) the permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or

(3) a determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit denial, modification, or revocation.

(c) The Department shall follow the applicable procedures in chapter 20 or 21 of this division in revoking or denying any permit under this section.

NOTE: Authority cited: Sections 25150, 25159 and 58012, Health and Safety Code. Reference: Sections 25159.5, 25186 and 25186.1, Health and Safety Code; 40 CFR Section 270.43.

#### HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

2. Amendment of section heading, subsections (a), (b), (b)(3) and (c) and Note filed 7-19-95; operative 8-18-95 (Register 95, No. 29).